IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 1020 (S/S) of 2007

1. Chandra Mohan Singh S/o Sri Yashwant Singh
   R/o Village Murliwala, Post Office, Jaspur,
   District Udham Singh Nagar
2. Smt. Mamta Joshi W/o Sri Gurvinder Singh
   R/o Village Devipura Post Office Mahuadavra
   District Udham Singh Nagar
3. Km. Sunita Devi D/o Sri Kallu Singh
   R/o Village Devipura Post Office Mahuadavra
   District Udham Singh Nagar
4. Juned Alam S/o Sri Gaffar Ahmed
   R/o Nagar Panchayat, Mahuadvra Post Khas,
   District Udham Singh Nagar
5. Abrar Hussain S/o Sri Intzar Hussain
   R/o Nagar Panchayat Mahuadavra Post Khas,
   District Udham Singh Nagar
6. Manoj Kumar S/o Sri Balbir Singh
   R/o Ward No. 6, Gularbhoj Road, Gadarpur
   District Udham Singh Nagar
7. Arjun Singh S/o Sri Rajpal Singh
   R/o Mohalla Chauhanan, Jaspur District Udham Singh Nagar
8. Murad Sah S/o Sri Babu Lal Sah
   R.o Village & Post Raipur, Jaspur District Udham Singh Nagar
9. Sanjay Kumar S/o Sri Ramesh Singh
   R/o Village & Post Raipur, District Udham Singh Nagar

------- Petitioners

Versus

1. State of Uttarakhand through Secretary, Education Uttarakhand Shasan Dehradun
2. Director of Education Uttarakhand Dehradun,
3. Additional Director of Education, State Education & Research and Training Council, Uttarakhand Narendra Nagar, District Tehri Garhwal
4. Principal, District Education & Training Institute Rudrapur, District Udham Singh Nagar

------- Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri Rajendra Dobhal, learned counsel for the petitioners and Sri Paresh Tripathi, learned Brief Holder for State of Uttarakhand for the respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:

1. Issue a writ, order or direction in the nature of certiorari quashing the sub clause IV of clause 2 of the advertisement dated 09.07.2006 published on 10.07.2006 in daily news paper 'Amar Ujala' and impugned order dated 30.07.2007 passed by respondent no. 4 (Annexure no. 9 to the writ petition).
2. Issue a writ, order or direction in the nature of mandamus commanding the respondents to consider the name of petitioners for admission in 'Vishisth B.T.C.' course 2006-07 in District Education and Training Institute Rudrapur, District Udham Singh Nagar as per their merit.
3. Pass any other writ, order or direction, which this Hon'ble Court deems fit and proper in the present circumstances of the case
4. Award the cost of writ petition to the petitioners.

The case of the petitioners is that prior to publication of advertisement for inviting applications for Special B.T.C. Training Course, their result of B.Ed. for the academic session 2004-05 was declared and the petitioners had passed the B.Ed. examination from Chaudhary Charan Singh University as a regular student. The petitioners have been issued provisional mark-sheets on 12.05.2006 and 20.06.2006 respectively. Because the mark-sheets

were issued under the order of the High Court subject to the decision of the writ petition, later on, original mark-sheets were also issued to the petitioners on 24.07.2006, which is the date after the publication of the advertisement and, consequently, the mark-sheets submitted by the petitioners have not been considered by the respondents on the ground that original mark-sheets were issued to the petitioners after publication of the advertisement.

Learned counsel for the petitioners has submitted that in fact, the petitioners have already passed the B.Ed. examination much prior to the advertisement.

In these circumstances, I deem it fit and proper to direct the petitioners to make representation raising all their grievances before respondent no. 1, Secretary Education, Dehradun and Secretary Education, Dehradun is directed to pass appropriate order on the representation of the petitioners within a period of one week from the date of production of a certified copy of this order along with the representation, if any. It is also expected from the State Government to make a uniform Policy in this matter and then pass necessary directions to the Officers concerned.

With this direction, the writ petition is finally disposed of. All the pending applications stand disposed of.

(M.M. Ghildiyal, J.)

10.08.2007
VKS